REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

Claims 1, 2 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaney (U.S. 5,473,609),[1] as well as Chaney in view of Reiter (U.S. 4,751,578) or Young (U.S. 5,353,121). Claims 3–8, 13–15, 17–19 and 21 were rejected as being unpatentable over Chaney in view of Young, while Claims 9–12 were rejected as being unpatentable over Chaney in view of Young and in further view of Lawler (U.S. 5,907,323) and/or Marshall (U.S. 5,523,796).

In the interests of securing an early Notice of Allowance, and without acceding to the § 103 rejections, Claim 1 has been amended to recite, more clearly, the surf, search and scan features discussed within Paragraphs 60–70 of the Specification (Pages 12–15). Claims 2, 7, 8, and 10–14 have been amended for clarity and consistency, and Claim 16 has been amended to correct a typographic error. Claims 3 and 5 have been amended to comport with Claim 1 and to recite the scan feature more clearly. Claim 4 has been amended to comport with, and depend from, Claim 1 and to recite the search feature more clearly. No new matter has been added, and Applicants submit that none of the cited references, taken either singly or in combination, teaches or suggests all of the features recited by the claims.

Chaney discloses a multi-carrier broadcast system that includes the transmission, reception and display of television programs and program guides on subscriber's televisions. Due to receiver memory constraints, Chaney teaches that his program guide is divided into a master guide, stored in the receiver's buffer memory 15, and a "much more comprehensive" special guide, stored in the receiver's DRAM 30.[2] The master guide, transmitted on each carrier, contains limited program information related to the next several viewing hours, while

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[1] Applicants respectfully submit that the § 103 rejection in which Chaney is applied alone against Claims 1, 2 and 16 is based on mere speculation and impermissible hindsight.

[2] *See*, e.g., Col. 5:16–19, Col. 10:47 to Col. 11:14. Chaney teaches that "... the program guide is split between the master and special guides. The master guide is relatively small and hence consumes little memory space. The entirety of memory 15 is not large enough to contain the special guide" (Col. 8:47–54). Chaney also teaches that expanding the buffer memory 15 in order to contain the entire special guide "would undesirably increase the cost of the apparatus" (Col. 9:1–4).

the special program guide, transmitted on a single carrier, includes comprehensive programming information for an extended period, such as a month. *See,* e.g., Col. 2:1–7.

To display either the master guide or the special guide, Chaney teaches that the subscriber presses a menu button on interface 16 to display a menu on the television and then selects a menu option, such as "displaying the program guide,"[3] by moving a cursor and pressing an enter button. If selected, a further menu, listing program guide options, is then displayed; these options include displaying "all program guides; only movies; only sports items; specials; etc., one of which may be selected by cursor movement and pressing an enter button."[4] If either guide is selected, µPC 17 first verifies that the subscriber is entitled to view the program guide information,[5] reads either buffer memory 15 or DRAM 30 for the selected guide data, and then sends the selected guide data to OSC 19, which "generates the appropriate pixel/raster information for displaying the program guide information as text within gridlines."[6] *See,* e.g., Col. 11:24 to Col. 12:19.

Chaney fails to teach or suggest varying both the selected channel <u>and</u> the selected information data in response to <u>one</u> said viewer operation of the control device, as recited by Claim 1. Instead, Chaney's guide data is displayed on the subscriber's television, as text within gridlines, in response to a sequence of menu selections. Additionally, Chaney discloses that when "the program guide is being manipulated the OSD will monopolize the entire screen for the display of special guide text or other data and/or program command structure."[7] Thus, Chaney teaches away from simultaneous display of the video signal and the program guide. Furthermore, the Office Action admits that Chaney "does not explicitly state that the master program guide information is overlaid on the displayed video signal."[8] Applicants agree and submit that Chaney also fails to teach or suggest varying both the displayed video signal <u>and</u> the program guide in response to <u>one</u> operation of interface 16. Accordingly, Chaney fails to disclose all of the features recited by Claim 1.

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[3] *See,* Col. 11:34.

[4] *See,* Col. 11:37–40.

[5] Before information is displayed for any channel, the CI_CSS byte associated with the particular channel is compared to the CA_CSS byte, and the channel information is only displayed to the subscriber within the program or special guide if a match is determined. *See,* Col. 11:41 to Col. 12:2.

[6] *See,* Col. 12:3-19.

[7] *See,* Col. 9:52–54.

[8] *See,* Office Action at Pages 4, 5.

None of the remaining references cures the deficiencies of Chaney. For example, Young discloses a television schedule system that has a background guide that can be displayed on a television screen by pressing certain keys on the remote controller. Young teaches that the background guide overlays the bottom corner of the screen, includes several lines of schedule information and is manually or automatically scrolled through preselected portions of the schedule information. *See*, e.g., Col. 23:36–50. Young fails to disclose varying both the selected channel <u>and</u> the selected information data in response to <u>one</u> said viewer operation of the control device, as recited by Claim 1. Instead, Young teaches that either the tuner channel remains the same while the "channel of the background listings may be sequenced by pressing the Channel Up/Dn key,"[9] or, that the background guide remains the same while the tuner channel is changed to "one that is displayed in the background guide by pressing the Enter key."[10] *See*, generally, Col. 23:36 to Col. 27:34.

Accordingly, Claim 1 is allowable over the cited references. Claims 2–21, depending from Claim 1, are also allowable, at least for the reasons discussed above.
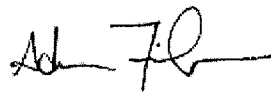
In view of the amendments and remarks presented herein, Applicants respectfully submits that this application is in condition for allowance and should now be passed to issue. A Notice of Allowance is respectfully solicited.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested. The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

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[9] *See*, Col. 25:16–18.
[10] *See*, Col. 26:51–54.